

Hon. Mr. Hamilton.

## LOCAL GOVERNMENT OFFICERS.

### ANALYSIS.

Title.	9. Registrar, examiners, and officers of Board.
Preamble.	10. Power to issue certificates and diplomas in local government.
1. Short Title.	11. Schemes of examination.
2. Interpretation.	12. Power to grant diplomas without examination in certain cases.
3. Incorporation of Local Government Examination Board.	13. Appeals from decisions of Board in certain cases.
4. Constitution of Board.	14. Application of moneys received by Board.
5. Provision for appointment of associate members of Board.	15. Regulations.
6. First meeting of Board. Election of Chairman.	
7. Other meetings of Board.	
8. Contracts of Board.	

### A BILL INTITULED

AN ACT to make Provision for the Granting of Certificates and Diplomas in Local Government, and for that Purpose to constitute a Local Government Examination Board.

WHEREAS the New Zealand Institute of Town Clerks (Incorporated) is a society incorporated under the Incorporated Societies Act, 1908, for the purpose, *inter alia*, of creating and encouraging interest in the study of municipal problems and increasing the efficiency of municipal services generally: And whereas the New Zealand Institute of County Clerks (Incorporated) is a society similarly incorporated for the purpose, *inter alia*, of creating and encouraging interest in the study of county problems and increasing the efficiency of county services generally: And whereas, in order to promote

such purposes, the said Institutes desire that a Board should be established to conduct examinations in subjects relating to local government and the administration of the affairs of local authorities, and to issue certificates and diplomas in local government to qualified persons: 5  
 And whereas, in order that such certificates and diplomas may be issued only to persons who have given satisfactory proof of their qualifications, it is desirable that statutory provision should be made for the establishment of such Board, and for the granting of such certificates 10  
 and diplomas, and as to the conditions subject to which they should be granted:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:— 15

Short Title.

1. This Act may be cited as the Local Government Officers Act, 1932.

Interpretation.

2. In this Act, unless the context otherwise requires,—

“Board” means the Local Government Examination Board constituted under this Act: 20

“Clerk” means the Clerk, Secretary, or other chief executive officer (however designated) of a local authority:

“Local authority” includes a City Council, a Borough Council, a County Council, a Town Board, a Road Board, a Drainage Board, a River Board, an Electric-power Board, a Harbour Board, a Hospital Board, a Fire Board, and such other public bodies as are from time to time declared by the Governor-General 25  
 by Order in Council to be local authorities for the purposes of this Act: 30

“Minister” means the Minister of Internal Affairs:

“Registrar” means the Registrar appointed by the Board under this Act: 35

“The said Institutes” means the New Zealand Institute of Town Clerks (Incorporated) and the New Zealand Institute of County Clerks (Incorporated).

Incorporation of Local Government Examination Board.

3. (1) For the purposes of this Act there is hereby 40  
 established a Board, to be called the Local Government Examination Board.

(2) The Board shall be a body corporate with perpetual succession and a common seal, and shall be capable of

holding real and personal property, and of doing and suffering all that bodies corporate may do and suffer.

4. (1) The Board shall consist of—

Constitution  
of Board.

- 5 (a) One member to be appointed on the recommendation of the Minister :
- (b) One member to be appointed on the recommendation of the New Zealand Institute of Town Clerks (Incorporated) :
- 10 (c) One member to be appointed on the recommendation of the New Zealand Institute of County Clerks (Incorporated) :
- (d) Such additional members (if any), as the Governor-General may from time to time by Order in Council direct to be appointed on the recommendation of any other associations or organizations formed for the purpose of promoting the interests and welfare of the officers employed by any local authorities, and having objects similar to those of the said Institutes.

15 (2) No Order in Council providing for an additional member of the Board shall be made except upon the request of the Board and also of the association or organization on the recommendation of which such member is to be appointed. Any such Order in Council may be

20 at any time revoked by a subsequent Order in Council made at the request of the Board ; but no such revocation shall affect the term of office of any member of the Board appointed before the revocation.

(3) The members of the Board shall be appointed by

30 the Governor-General for a term of two years, save that any member appointed under paragraph (d) of subsection *one* hereof to take office during the term of office of any other members of the Board shall hold office for the residue of such term of office, and no longer. Any

35 member may be reappointed or may be at any time removed from office by the Governor-General for disability, insolvency, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Minister.

40 (4) If any member of the Board dies, retires, or otherwise vacates his office, the vacancy so created shall, within two months after the occurrence thereof, be filled in the manner in which the appointment to the vacant office was originally made. Every person so appointed

shall hold office for the residue of the term for which his predecessor was appointed, and no longer.

Provision for appointment of associate members of Board.

5. (1) For the purpose of assisting the Board in the proper exercise of its functions under this Act, the Board may from time to time associate with itself any number of persons, not at any one time exceeding *three*, who in its opinion are possessed of expert knowledge or other special qualifications of advantage to the Board, and every person so associated with the Board shall while such association continues be deemed to be a member of the Board. 5 10

(2) Any such associate member may be so appointed for any term not exceeding the residue of the term of office of the members of the Board in office at the time of his appointment. Any such member may be reappointed, or may be at any time removed from office by the Board, or may at any time resign his office by writing addressed to the Chairman of the Board. 15

First meeting of Board.

6. (1) The first meeting of the Board shall be held on a day and at a place to be appointed in that behalf by the Minister. 20

Election of Chairman.

(2) At its first meeting in each year the Board shall elect one of its members to be Chairman, who shall hold office for that year, and thereafter shall be eligible for re-election. 25

Other meetings of Board.

7. (1) Other meetings of the Board shall be held at such times and places as the Board shall from time to time appoint.

(2) The Chairman of the Board or any two members thereof may at any time direct the Registrar to call a special meeting of the Board. 30

(3) At all meetings of the Board a quorum shall consist of one-half of the total number of members of the Board (including associate members) if that number is even, and in other cases shall consist of the same number as if the membership of the Board were increased by one, and no business shall be transacted unless a quorum is present. 35

(4) The Chairman shall preside at all meetings of the Board at which he is present. In the absence of the Chairman from any meeting of the Board the members present shall elect one of their number to be the Chairman at that meeting. 40

(5) At any meeting of the Board the Chairman shall have a deliberative vote and in the case of an equality of votes shall also have a casting vote. The decision of the Board on any matter shall be determined by a majority of the valid votes recorded thereon.

(6) Save as expressly provided herein, the Board may regulate its procedure in such manner as it thinks fit.

8. (1) Any contract which if made between private persons must be by deed shall, if made by the Board, be in writing under the seal of the Board.

Contracts of Board.

(2) Any contract which if made between private persons must be in writing signed by the parties to be charged therewith shall, if made by the Board, be either under the seal of the Board or signed by two members of the Board on behalf of and by direction of the Board.

(3) Any contract which if made between private persons may be made verbally without writing may be similarly made by or on behalf of the Board by any two members acting by direction of the Board, but no verbal contract shall be made for any sum exceeding ten pounds.

9. The Board may from time to time appoint a Registrar, and such examiners and other officers and servants as it deems necessary for the efficient exercise of its functions under this Act.

Registrar, examiners, and officers of Board.

10. Subject to the provisions of this Act, the Board may, in accordance with schemes approved as provided in the *next succeeding* section, conduct examinations in subjects relating to local government and the administration of the affairs of local authorities, and may grant such certificates and diplomas in local government as it thinks fit to persons qualified to receive them.

Power to issue certificates and diplomas in local government.

11. (1) The Governor-General may by Order in Council approve any scheme of examination submitted by the Board in relation to the conduct of examinations for the grant of certificates and diplomas under this Act. Such approval may at any time be in like manner withdrawn.

Schemes of examination.

(2) Any scheme of examination approved as provided in this section may provide for the recognition of any examination conducted, or of any degree, certificate, or diploma granted, by any University or other

institution (whether in New Zealand or elsewhere) as the equivalent of examination under the scheme, or of a certificate or diploma granted under this Act, as the case may be; and with respect to any candidate who satisfies the Board that he has passed any such examination, or is the holder of any such degree, certificate, or diploma, the Board may dispense in whole or in part with any examination under the scheme, or may substitute for the whole or any part thereof a special examination in the law of New Zealand relating to local government and the administration of the affairs of local authorities. 5 10

Power to grant diplomas without examination in certain cases.

12. (1) Subject to the provisions of the *next succeeding* subsection, the Board may, without examination, grant a diploma under this Act to— 15

(a) Any person who on the passing of this Act is employed as the Clerk of any Borough Council, County Council, or Town Board, or of the Board of any road district situated in the Eden County : 20

(b) Any person who on the passing of this Act is employed as the Clerk of any other local authority of a class that may hereafter be prescribed :

(c) Any person who on the passing of this Act is employed in a senior clerical position (other than that of Clerk) by any such Borough Council, County Council, Town Board, Road Board, or local authority, and who during the period of five years immediately preceding the passing of this Act has been continuously so employed by one or more of such Councils, Boards, or local authorities. 25 30

(2) Diplomas under this section shall be granted only to persons who, in the opinion of the Board, are qualified to receive them. Except in cases where the time for applying is upon special grounds extended by the Board, such diplomas shall be granted only if application is duly made therefor within the times herein limited, namely :— 35 40

(a) In the case of a person employed on the passing of this Act (whether as Clerk or in a senior clerical position) by any local authority

of a class referred to in paragraph (a) of the *last preceding* subsection, within one year after the passing of this Act :

5 (b) In the case of a person so employed by any local authority of a class prescribed under paragraph (b) of the *last preceding* subsection, within one year after the coming into force of the regulations first prescribing that class of local authority.

10 13. (1) If the Board refuses, on application duly made by any person, to grant a diploma under the *last preceding* section, or fails for a period of three months to dispose of any such application, the applicant may, within the prescribed time, and in the prescribed manner,  
15 appeal to a Board of Appeal consisting of three persons, one of whom shall be appointed by the Minister, one by the Board, and one by the applicant.

Appeals from decisions of Board in certain cases.

20 (2) The Board of Appeal shall thereupon hear the appeal, and may either confirm the decision of the Board, or order that a diploma be granted to the applicant, and the determination of the Board of Appeal shall be final and conclusive.

25 14. (1) All moneys received by the Board shall be paid into an account in the Board's name at such bank as the Board from time to time directs, and shall be applied by the Board as follows :—

Application of moneys received by Board.

30 (a) In payment of the expenses of administration of the Board's affairs (including the conduct of examinations and of appeals under the *last preceding* section) and of the salaries and fees of the Registrar and examiners and other officers (if any) of the Board :

35 (b) In payment of travelling-expenses of members of the Board, fees to members of the Board of Appeal, and appellants' costs of appeal, if the Board of Appeal so directs, the amount of such costs to be fixed by such Board :

(c) Generally for the purpose of carrying out the objects of this Act :

40 (d) For any purpose which, in the opinion of the Board, will promote any of the objects of the said Institutes, or of any other association or organization in respect of which an Order in

Council under paragraph (*d*) of subsection *one* of section *four* hereof is for the time being in force.

(2) Any moneys belonging to the Board and available for investment may from time to time be invested with the Public Trustee or in accordance with the provisions of the Trustee Act, 1908, as to the investment of trust funds. 5

(3) The accounts of the Board shall be audited by an auditor appointed by the Board. 10

Regulations.

15. The Governor-General may from time to time, by Order in Council, make regulations—

(*a*) Prescribing forms of applications, certificates, and diplomas under this Act :

(*b*) As to the keeping and form of such books, registers, and records as may be required for the purposes of this Act : 15

(*c*) Prescribing classes of local authorities for the purposes of paragraph (*b*) of subsection *one* of section *twelve* hereof : 20

(*d*) Prescribing the fees to be paid for examinations, certificates, and diplomas under this Act :

(*e*) Providing for the conduct of appeals under section *thirteen* hereof, and prescribing the fees that may be paid to members of the Board of Appeal : 25

(*f*) Generally for the purpose of giving effect to the provisions of this Act.